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In re Application of
John J. Wille, Jr.
Serial No.: 09/694,393
Filed: October 23, 2000
Attorney Docket No.: 1194-011D

PETITION DECISION

This is in response to the renewed petition under 37 CFR 1.181, filed May 15, 2003, for withdrawal of abandonment of the above identified application. The delay in acting on this petition is regretted.

A review of the file history is set forth in the previous petition decision and is not repeated herein. The previous decision set forth three requirements for applicant to meet in order to have the holding of abandonment withdrawn. These were (see page 3 of previous decision): (1) file new drawings in compliance with 37 CFR 1.84(b); (2) satisfactorily explain the delay in filing of the original petition; and (3) provide a satisfactory explanation as to why the Notice of Allowability requiring new drawings was not complied with.

With respect to requirement (1), applicant has supplied Bristol board mounted photographs (microphotographs) despite being noticed that such were no longer acceptable by reference to the highlighted portion of the rule quoted in the decision. **Note that photographs filed on or after October 1, 2001, may no longer be mounted on Bristol Board.** October 1, 2001, does not refer to the filing date of the application, but the actual date of submission of new or corrected photographs. Further, only Figures 1B, 1C, 1D, 2A, 2B, 2C, 2D, and 3A were submitted. Figures 3B, 4A and 4B were not submitted.

With respect to item (2) above, a general explanation has been given, but lacks sufficient detail or evidence accompanying the statements to satisfy the requirement.

With respect to item (3) above, it is accepted that the examiner's notation on the Notice of Allowability and comments referring to Figure 1A can be interpreted to refer only to the missing figure (which was not present or referred to in the specification, and thus not required).

In view of the failure to comply with requirement (1) and to meet the explanation requirements of item (2) above, the petition is DENIED. Applicants may still file a petition under 37 CFR 1.137(b) within TWO MONTHS of the mail date of this decision. The request to consider this petition alternatively as a petition under 37 CFR 1.137(b) cannot be accorded. The petition must be a separate paper.

The application will be forwarded to the warehouse for storage.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 703-308-3824 or by facsimile sent to the general Office facsimile number.

Bruce M. Kisliuk
Director, Technology Center 1600

John Dall (fcv)